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SUBJECT: COPUOS - Canadian reaction to USG approach on Space Debris

Ref: SECSTATE 18202

1. ESTH Counselor and Specialist met on February 9 with Danielle Ayotte, Director and Dave Church, Senior International Advisor, with the Science and Technology Division of International Trade Canada (ITCan) to discuss the USG approach outlined in reftel. We had provided the USG draft guidelines to Ayotte and Church at ITCan, as well as to the Canadian Space Agency, on February 3.

2. Ayotte and Church told us that the Canadian interagency review of the USG proposal is not yet complete, and that the review is concurrent with, and being influenced somewhat by, a related key question for Canada, i.e., should Canada join as a member of the Inter-Agency Debris Coordinating Committee (IADC).

3. Notwithstanding that the GoC review is not complete, Ayotte and Church were able to tell us that the GoC is generally favorably disposed toward the approach offered by the USG, with one significant difference.

4. Whereas the USG approach clearly proposes that the Space Debris Mitigation Guidelines "remain voluntary and not be legally binding under international law", the GoC position, according to Ayotte and Church is likely to favor a "soft law" approach. Church described "soft law" as being firm guidelines to which parties formally commit to following, perhaps by signing a good faith code of conduct or covenant, but which is nonetheless not legally binding nor enforceable. Church characterized the "soft law" approach as being about halfway on the spectrum between voluntary agreements and legally binding agreements.

5. Post will follow up with Ayotte and Church before the STSC meeting February 21 in order to provide any additional GoC comments on USG proposal.

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